REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 10, 12, 15, 16, 18-21, 24, 25, 34, and 37-43 are amended. Applicants respectfully submit that no new matter has been added to the application. The claim amendments are intended to correct errors in the claims, improve the clarity of the claims, and remove duplicative elements from the claims. Applicants respectfully submit that the claim amendments do not necessitate a new search by the Examiner. Claims 2-6, 9, 11, 13, 14, 17, 22, 23, and 26-33 were canceled in a previous response. After amending the claims as set forth above, Claims 1, 7, 8, 10, 12, 15, 16, 18-21, 24, 25, and 34-43 are now pending in this application.

I.   Claim Rejections Under 35 U.S.C. § 112

In section 3 of the Office Action, Claims 1, 7, 8, 10, 12, 15, 16, 18-21, 24, 25, and 34-43 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states:

> Regarding claims 1, 12, 34, 38 and 40, the claims are being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: The claim recites, "the received first selection identifying a concept for a query to be formed" and "the second selection identifying a first segment of the query" and then "forming the query as a natural language query based on the received first selection and the received second selection". Only the concept and the first segment of the query are identified, thus a complete query can not be formed base merely on the concept and the first segment of the query. Where are remained segments of the query?

Applicants respectfully disagree. Section 2172.01 of the MPEP states that "[a] claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. 112, first paragraph, as not enabling. *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). See also MPEP § 2164.08(c)." Section 2164.08(c) of the MPEP states "[i]n determining whether an unclaimed

feature is critical, the entire disclosure must be considered. Features which are merely preferred are not to be considered critical. *In re Goffe*, 542 F.2d 564, 567, 191 USPQ 429, 431 (CCPA 1976)." In addition, MPEP § 2164.08(c) goes on to state that "an enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended."

Claim 1, as currently amended, recites "receiving a first selection ..., the received first selection identifying a concept for a natural language query to be formed" and "receiving a second selection ..., the second selection identifying a first segment of the natural language query." The Examiner indicates that Claim 1 is incomplete because it only recites a concept and a first segment of the query. Applicants respectfully disagree. Applicants' specification discloses embodiments of the subject matter recited in Claim 1 that make it clear that a concept and a first segment can constitute a query. Further, Applicants respectfully submit that the present specification does not indicate that a second segment, a third segment, etc. is critical. To reiterate, MPEP § 2164.08(c) states that "an enablement rejection <u>based on the grounds that a disclosed critical limitation is missing</u> from a claim <u>should be made **only** when the language of the **specification makes it clear that the limitation is critical**</u> for the invention to function as intended." (Emphasis added). Applicants respectfully request that the Examiner identify where the present specification makes it clear that an additional limitation is critical for the invention to function.

As is common practice when drafting claims, use of the phrase "a first segment" is intended in part to provide antecedent basis for dependent claims which recite "a second segment." See Claim 24. For at least these reasons, Applicants respectfully request withdrawal of the rejection of Claim 1 under 35 U.S.C. § 112. For at least the same reasons, Applicants respectfully request withdrawal of the rejection of Claims 7, 8, 10, 12, 15, 16, 18-21, 24, 25, and 34-43.

II. <u>Claim Rejections Under 35 U.S.C. § 101</u>

In section 4 of the Office Action, Claims 1, 7, 8, 10, 12, 15, 16, 18-21, 24, 25, and 34-43 were rejected under 35 U.S.C. § 101 for lacking utility. Specifically, the Examiner states:

> Regarding claims 1, 12, 34, 38, and 40, the claim recites, "the received first selection identifying a concept for a query to be formed" and "the second selection identifying a first segment of the query" and then "forming the query as a natural language query based on the received first selection and the received second selection" and then "sending eh formed query to a third device for execution of the query". The claimed invention is inoperative because the complete query can not be formed by only based on the concept and the first segment of the query, therefore the execution can not be performed on an incomplete query. Therefore the claims lack utility.

Applicants respectfully disagree. As discussed in section I above, Applicants' specification discloses embodiments of the subject matter recited in Claim 1 that make it clear that a concept and a first segment can constitute a query. Use of the phrase "a first segment" is intended in part to provide antecedent basis for dependent claims which recite "a second segment," such as Claim 24. As such, Applicants respectfully submit that the claimed invention is operative and has utility. For at least these reasons, Applicants respectfully request withdrawal of the rejection of Claims 1, 7, 8, 10, 12, 15, 16, 18-21, 24, 25, and 34-43 under 35 U.S.C. § 101.

III.   Claim Rejections Under 35 U.S.C. § 102(e)

In section 5 of the Office Action, Claims 1, 2, 5-9, and 29-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,237,145 to Narasimhan et al. (hereinafter "Narasimhan"). As indicated above, Claims 2, 5, 6, 9, and 29-32 were canceled in a previous response. Applicants respectfully traverse the rejection with respect to Claims 1, 7, and 8, and submit that Claims 1, 7, and 8 as previously presented define over the applied references. Claim 1 has been amended in the interest of correcting errors, improving the clarity, and removing duplicative elements.

Claim 1 recites "receiving a first selection of at least one of the words or phrases in the first menu list from the device, **the received first selection identifying a concept for a natural language query** to be formed," and "receiving a second selection of at least one of the words or phrases in the second menu list from the device, **the second selection**

identifying a first segment of the natural language query." (Emphasis added). Applicants respectfully submit that Narasimhan fails to teach, suggest, or describe such elements.

On page 4 of the Office Action, the Examiner states that Narasimhan discloses "receiving a first selection of at least one of the words or phrases in the first menu list from the second device, the received first selection identifying a concept for a query to be formed (See col. 5, lines 49-50)." At col. 5, lines 46-50, Narashimhan discloses that "[t]he main menu may have a list of different areas of interest to the user (e.g., leisure, dining, shopping, events, services, products, groceries). The user has the option of selecting any item listed in the main menu 144M." Applicants respectfully submit that giving a user the option of selecting an item listed in a main menu is not the same as "receiving a first selection …, **the received first selection identifying a concept for a natural language query to be formed**," as recited in Claim 1. (Emphasis added). Narasimhan fails to teach or suggest identification of a concept for a natural language query.

Also on page 4 of the Office Action, the Examiner state that Narasimhan discloses "receiving a second selection of at least one of the words or phrases in the second menu list from the second device, the second selection identifying a first segment of the query (See col. 5, lines 60-65)." The Examiner goes on to state that Narasimhan discloses "forming the query as a natural language query (See col. 5, lines 50-65) based on the received first selection and the received second selection (See col. 5, lines 60-65)." Applicants respectfully disagree. At col. 5, lines 50-65, Narasimhan discloses that:

> Typically, and as seen in FIG. 3, such selection would result in the display of one of several sub-menus 144S listing more specific choices from which the user could select. For example, a dining sub-menu 144S may list different types of restaurants (e.g. fast food, sandwich shops, luncheonettes, etc.) and/or different types of available food (e.g., Italian, French, Chinese, Southern, Kosher). As may be understood, the user works his or her way through the hierarchical structure of menus until he or she can actually view and/or listen to promotion information records for each of several available products/services. Preferably, and as seen in FIG. 3, each sub-menu 144S in the system contains options that the user may employ to navigate

the hierarchical structure and to obtain answers to queries
regarding the use of the system.

The above passage does not teach, suggest, or describe "receiving a second selection
…, the **second selection identifying a first segment of the natural language query,**" or
"**forming the natural language query** based at least in part on the first segment," as recited
in Claim 1. (Emphasis added). Applicants respectfully submit that allowing a user to
navigate through sub-menus to locate promotional information is not the same as forming a
natural language query or receiving a selection which identifies a first segment of the natural
language query.

Narasimhan is directed toward "a hierarchical menu structure which includes a main
menu and a plurality of hierarchically linked sub-menus." (Col. 2, lines 29-31). A "user
navigates among the main menu and sub-menus to select promotion information," i.e.,
coupons. (Col. 2, lines 32-33). When the user makes a selection, "the 'clipped coupon' is
electronically stored in a clipped coupon database 118 connected to or associated with the
server 108." (Col. 6, lines 34-36). Narasimhan further discloses that "[e]ach user is provided
with a unique ID card 120 which is inserted into an ID card reader connected to a coupon-
printing merchant device 122 at the participating merchant." (Col. 6, lines 52-55). When the
user inserts the ID card into the ID card reader, "the merchant device 122 communicates with
the server 108 to access the list of clipped electronic coupons for the user," and the coupons
are printed for the user. (Col. 6, lines 56-57).

Thus, Narasimhan discloses a system in which a user is able to navigate through
hierarchical menus to select coupons. When the user makes a coupon selection, a central
server associates the coupon selection with the user. The user is then able to print the
selected coupons at a merchant location after accessing the central server. Narasimhan does
not teach, suggest, or describe a "received first selection identifying a concept for a natural
language query to be formed," as recited in Claim 1. (Emphasis added). Applicants
respectfully submit that receiving an electronic selection of a coupon in a coupon database is
not the same as receiving a selection that identifies a concept for a natural language query.
Narasimhan fails to disclose a query, let alone a "natural language query," as recited in Claim

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1. It follows that <u>Narasimhan</u> also fails to disclose <u>receiving a "second selection identifying a</u> <u>first segment of the natural language query</u>," as recited in Claim 1. (Emphasis added).

For at least these reasons, Applicants respectfully submit that <u>Narasimhan</u> fails to teach each of the elements of Claim 1 and that Claim 1 is in condition for allowance. Applicants respectfully request withdrawal of the rejection of Claim 1. For at least the same reasons, Applicants respectfully submit that Claims 7 and 8, which depend from Claim 1, are also in condition for allowance. Applicants request withdrawal of the rejection of Claims 7 and 8.

IV.   <u>Claim Rejections Under 35 U.S.C. § 103(a)</u>

A.   <u>Claims 1, 7, 8, 10, 12, 15-16, 18-21, 24-25, and 34-43</u>

In section 6 of the Office Action, Claims 1, 7, 8, 10, 12, 15-16, 18-21, 24-25, and 34-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,460,031 to Wilson III et al. (hereinafter "<u>Wilson</u>") in view of United States Patent No. 6,736,322 to Gobburu et al. (hereinafter "<u>Gobburu</u>"). Applicants respectfully traverse the rejection, and submit that Claims 1, 7, 8, 10, 12, 15-16, 18-21, 24-25, and 34-43 as previously presented define over the applied references. As discussed above, the claims have been amended in the interest of correcting errors, improving the clarity, and removing duplicative elements.

Claim 1 recites "receiving a first selection of at least one of the words or phrases in the first menu list from the device, the received first selection identifying a concept for a natural language query to be formed," and "receiving a second selection of at least one of the words or phrases in the second menu list from the device, the second selection identifying a first segment of the natural language query." (Emphasis added). Claim 12 recites "sending, from the device to a second device, a first selection of a first word or phrase from the first menu list, wherein the first selection identifies a concept for the natural language query to be formed," and "sending, from the device to the second device, a second selection of a second word or phrase from the second menu list, the second selection identifying a first segment of the natural language query, wherein the natural language query is based at least in part on the

first segment." Claim 34 recites "instructions configured to cause a computing device to" "receive a first selection of at least one of the words or phrases in the first menu list from the second device, the received first selection identifying a concept for the query to be formed," and "receive a second selection of at least one of the words or phrases in the second menu list from the second device, the second selection identifying a first segment of the query."

Claim 38 recites "instructions configured to cause a computing device to" "send a first selection of a first word or phrase from the first menu list to a second device, wherein the first selection identifies a concept for the natural language query to be formed," and "send a second selection of a second word or phrase from the second menu list to the second device, the second selection identifying a first segment of the natural language query, and wherein the natural language query is based at least in part on the first segment." Claim 40 recites instructions on a computer-readable medium that cause a processor to "receive a first selection of at least one of the words or phrases in the first menu list from the device, the received first selection identifying a concept for a query to be formed" and "receive a second selection of at least one of the words or phrases in the second menu list from the device, the second selection identifying a first segment of the query."

Applicants respectfully submit that, alone or in combination, Wilson and Gobburu fail to disclose each of the elements recited in Claims 1, 12, 34, 38, and 40. Wilson is directed toward "a system for creating and titling reports from a database by using a graphical title bar navigator to create and depict a natural language phrase from a menu to query a database." (Col. 2, lines 46-49). Wilson discloses that the "invention focuses on generating a query interface to a database ... wherein each choice of data available for retrieval is an option in the menu." (Col. 2, lines 55-58). Wilson further discloses that as the user makes menu selections, "[e]ach subsequent selection in the menu is a narrower subset of the prior selection, resulting in the creation of a drill down query."

Thus, Wilson discloses a system in which each menu selection from a user corresponds to a portion of a database query. The portions are combined to generate the query, and the query is submitted to a database management system. Conversely, Claim 1 recites that "the received first selection" identifies "a concept for a ... query" and the received

"second selection" identifies "a first segment of the ... query." (Emphasis added). <u>Wilson</u> does not teach, suggest, or describe a first selection which identifies a concept and a second selection which identifies a first segment of the query. On page 6 of the Office Action, the Examiner states that <u>Wilson</u> discloses "receiving a second selection ..., the second selection identifying a first segment of the query (See col. 5, lines 53-60)." Applicants respectfully disagree. At col. 5, lines 53-60, <u>Wilson</u> discloses that:

> After selecting Retail 422, the parameters through which this selection can be narrowed are again made available through the additional second level objects. These are ByRegion 426, ByCountry 428, ByState 430, BySalesArea 432, and BySite 434. After completion of the selections, the MDX statement generation is simultaneously completed and communicated to the database management system.

The above passage does not teach, suggest, or describe a "first selection" which identifies "a concept for a ... query" and a "second selection" which identifies "a first segment of the ... query." In <u>Wilson</u>, the first menu selection received identifies a first portion of the query, the second menu selection received identifies a second portion of the query, and so on. Applicants respectfully submit that this is not the same as a "**first selection**" which identifies "a concept," and a "**second selection**" which **identifies "a first segment** of the ... query," as recited in Claim 1. (Emphasis added). Claims 12, 34, 38, and 40 include similar elements.

<u>Gobburu</u> is directed toward "a secure database containing information in diverse categories that relates to the user and that may be represented ... in bar code form and communicated ... from a mobile communications device." (Abstract). As an example, <u>Gobburu</u> discloses "[u]sing a cellular telephone to obtain a bar coded electronic boarding pass obtained wirelessly from an airline computer for display during the boarding process." (Col. 2, lines 26-28). The "method comprises furnishing for the mobile communications device first information about diverse categories of information relating to a user" thereof. (Col. 3, lines 20-23). In response to a category selection by the user, "second information from the identified information category" is provided to the mobile communications device. (Col. 3, lines 27-28). The "second information" is "furnished in a form suitable for display in bar

code form by use of the information display ... of the mobile communications device." (Col. 3, lines 29-34).

Thus, the system in <u>Gobburu</u> allows a user who has purchased a ticket/pass to electronically access the ticket/pass with a mobile communications device. The ticket/pass is presented on a display of the mobile communications device such that the user can present the ticket/pass at an airport, movie theater, etc. <u>Gobburu</u> fails to teach or suggest a method or system for forming a query. Applicants respectfully submit that using categories to electronically access a purchased ticket in bar code form is not the same as formation of a query as claimed. More specifically, <u>Gobburu</u> fails to disclose a "received first selection" that identifies "a concept for a ... query" and a received "**second selection**" **that identifies "a first segment of the ... query**," as recited in Claim 1. (Emphasis added). Conversely, the selections received in Gobburu are used to locate and access a pre-purchased ticket. None of the user selections in the <u>Gobburu</u> system identify a "first segment of the ... query."

For at least these reasons, Applicants respectfully submit that the combination of <u>Wilson</u> and <u>Gobburu</u> fails to teach each of the elements of Claim 1. Withdrawal of the rejection of Claim 1 is respectfully requested. Independent claims 12, 34, 38, and 40 include similar elements. As such, for at least the same reasons, withdrawal of the rejection of Claims 12, 34, 38, and 40 is also requested. For at least the same reasons, Applicants respectfully request withdrawal of the rejection of Claims 7, 8, 24, and 25, which depend from Claim 1, Claims 15, 16, and 18-21, which depend from Claim 12, Claims 35-37, which depend from Claim 34, Claim 39, which depends from Claim 38, and Claims 41-43, which depend from Claim 40.

B.   <u>Claims 1, 7, 8, 10, 12, 15-16, 18-21, 24-25, and 34-43</u>

In section 7 of the Office Action, Claims 1, 7, 8, 10, 12, 15-16, 18-21, 24-25, and 34-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Wilson</u> in view of <u>Narasimhan</u>. Applicants respectfully traverse the rejection, and submit that Claims 1, 7, 8, 10, 12, 15-16, 18-21, 24-25, and 34-43 as previously presented define over the applied references. As discussed above, the claims have been amended in the interest of correcting errors, improving the clarity, and removing duplicative elements.

As discussed above, <u>Wilson</u> discloses a system in which each menu selection from a user corresponds to a portion of a database query. The portions are combined to generate the query, and the query is submitted to a database management system. <u>Wilson</u> fails to teach, suggest, or describe that "the received first selection" identifies "a concept for a … query" and the received **"<u>second selection" identifies "a first segment of the … query</u>."** (Claim 1; emphasis added). <u>Wilson</u> does not teach, suggest, or describe a first selection which identifies a concept and a second selection which identifies a first segment of the query. In <u>Wilson</u>, the first menu selection received identifies a first portion of the query, the second menu selection received identifies a second portion of the query, and so on. Applicants respectfully submit that this is not the same as a "**<u>first selection</u>**" which identifies "a concept," and a "**<u>second selection</u>**" which **<u>identifies "a first segmen</u>t** of the … query," as recited in Claim 1. (Emphasis added). Claims 12, 34, 38, and 40 include similar elements.

As discussed above, <u>Narasimhan</u> discloses a system in which a user is able to navigate through hierarchical menus to select coupons. When the user makes a coupon selection, a central server associates the coupon selection with the user. The user is then able to print the selected coupons at a merchant location after accessing the central server. <u>Narasimhan</u> does not teach, suggest, or describe that "the received first selection" identifies "a concept for a … query" and the received **"<u>second selection" identifies "a first segment of the … query</u>."** (Claim 1; emphasis added). Applicants respectfully submit that receiving an electronic selection of a coupon in a coupon database is not the same as receiving a first selection that identifies a concept for a … query and a second selection that identifies a first segment of the query.

For at least these reasons, Applicants respectfully submit that the combination of <u>Wilson</u> and <u>Narasimhan</u> fails to teach each of the elements of Claim 1. Withdrawal of the rejection of Claim 1 is respectfully requested. Independent claims 12, 34, 38, and 40 include similar elements. As such, for at least the same reasons, withdrawal of the rejection of Claims 12, 34, 38, and 40 is also requested. For at least the same reasons, Applicants respectfully request withdrawal of the rejection of Claims 7, 8, 24, and 25, which depend from Claim 1, Claims 15, 16, and 18-21, which depend from Claim 12, Claims 35-37, which

depend from Claim 34, Claim 39, which depends from Claim 38, and Claims 41-43, which depend from Claim 40.

C.   Claims 12, 15, 16, 18-21, 38, and 39

In section 8 of the Office Action, Claims 12, 15, 16, 18-21, 38, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilson in view of Narasimhan, and further in view of Gobburu. Applicants respectfully traverse the rejection, and submit that Claims 12, 15, 16, 18-21, 38, and 39 as previously presented define over the applied references. As discussed above, the claims have been amended in the interest of correcting errors, improving the clarity, and removing duplicative elements.

Claim 12 recites sending "a **first selection" that "identifies a concept** for the natural language query to be formed," and "sending ... **a second selection ... identifying a first segment of the natural language query**." (Emphasis added). Claim 38 includes similar elements. As discussed above, Wilson, Narasimhan, and Gobburu all fail to teach, suggest, or describe at least such elements. For at least these reasons, Applicants respectfully request withdrawal of the rejection of Claims 12 and 38. For at least the same reasons, Applicants request withdrawal of the rejection of Claims 15, 16, and 18-21, which depend from Claim 12, and Claim 39, which depends from Claim 38.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.
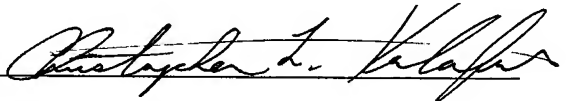
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are

needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date <u>May 6, 2008</u>

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